

Serial No. 10/812,824

Filed: March 30, 2004

Remarks

Claims 1-6, 8-15, 17-30 and 32-38 are presently at issue in this pending patent application. Claims 1, 4, 6, 8, 9, 14, 18, 26 and 32 have been amended. Claims 7, 16 and 31 have been cancelled. Claims 36-38 have been added to claim additional subject matter included in the specification. No new matter has been added. Reconsideration of the pending Claims and allowance is respectfully requested in view of the following comments.

Obviousness Type Doubling Patenting

Claims 1-6, 8-15, 17-30 and 32-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 currently pending in co-pending commonly owned U.S. Patent Application Serial No. 10/813,294. As detailed below, Applicant has amended independent Claims 1, 9, 18 and 26. This creates a clear line of demarcation between the present application and co-pending commonly owned U.S. Patent Application Serial No. 10/813,294. Accordingly, Applicant respectfully requests removal of the obviousness type double patenting rejection of claims 1-6, 8-15, 17-30 and 32-35.

The 35 U.S.C. §112 second paragraph Claim Rejections

Claims 4, 6, 14 and 15 stand rejected pursuant to 35 U.S.C. §112 second paragraph as being indefinite. In the office action mailed on September 9, 2004, the term "directing member" was identified as lacking antecedent basis with regard to Claims 4 and 6. The term "directing member" was replaced by amendment with the term "positioning unit" to correct this scrivener's error. In Claim 14, the term "place" was amended to "placed" as suggested by the office action. As to Claim 15, Applicant was unable to identify any 35 U.S.C. §112 second paragraph issues and respectfully requests specific identification of such issues in a subsequent office action. Applicant believes that Claims 4, 6, 14 and 15 are now clear and definite, and respectfully requests removal of the 35 U.S.C. §112 second paragraph rejection of these Claims.

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The 35 U.S.C. 102(b) Claim Rejections

Pending Claims 1-4, 6, 9-15, 18, 21, 23-26, 28, 29 and 33-35 stand rejected pursuant to 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,306,022 to Tung et al. (hereinafter "Tung").

Claim 1 has been amended to include the elements provided in Claim 7, and Claim 7 has been cancelled. Claim 7 was indicated as allowable if amended to include all the limitations of the base claim. Accordingly, Claim 1 is now allowable. Claims 2-4 and 6 depend from Claim 1 and are also allowable for at least the same reason. Applicant respectfully requests removal of the 35 U.S.C. 102(b) rejection of Claims 1-4 and 6.

Claim 9 has been amended to include the elements provided in Claim 16, and Claim 16 has been cancelled. Claim 16 was indicated as allowable if amended to include all the limitations of the base claim. Accordingly, Claim 9 is now allowable. Claims 10-15 depend from Claim 9 and are also allowable for at least the same reason. Applicant respectfully requests removal of the 35 U.S.C. 102(b) rejection of Claims 9-15.

Claim 18 has been amended to provide that the polishing liquid supply line is configured to supply polishing liquid to the inlet of the passageway at a flow rate that is variable based on a process parameter associated with polishing a workpiece. None of the prior art suggests or discloses a polishing liquid supply line configured to supply polishing liquid to the inlet of the passageway at a flow rate that is variable based on a process parameter associated with polishing a workpiece as described in Claim 18. Accordingly, Claim 18 is allowable in its present form. Dependent Claims 21 and 23-25 depend from independent Claim 18 and are therefore also allowable for at least the same reasons. Applicant respectfully requests removal of the 35 U.S.C. 102(b) rejection of Claims 18, 21 and 23-25.

Claim 26 has been amended to include the elements provided in Claim 31, and Claim 31 has been cancelled. Claim 31 was indicated as allowable if amended to include all the limitations of the base claim. Accordingly, Claim 26 is now allowable. Claims 28, 29 and 33-35 depend from Claim 26 and are also allowable for at least the same reason. Applicant respectfully requests removal of the 35 U.S.C. 102(b) rejections of Claims 26, 28, 29 and 33-35.

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The 35 U.S.C. 103(a) Claim Rejections

Claim 5 stands rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Tung and further in view of U.S. Patent No. 6,390,902 to Chang et al. (hereinafter "Chang"). Claims 19, 20 and 27 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Tung and further in view of U.S. Patent No. 6,773,332 to Moore (hereinafter "Moore"). In addition, Claim 22 stands rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Tung and U.S. Patent No. 6,648,740 to Perlov et al. (hereinafter "Perlov").

Claim 5, Claims 19-20, Claim 22 and Claim 27 dependent from Claim 1, Claim 9, Claim 18 and Claim 26, respectively, and are allowable for at least the same reasons Claims 1, 9, 18 and 26 are allowable as previously discussed. Accordingly, Applicant respectfully requests the removal of the 35 U.S.C. §103(a) rejections of dependent Claims 5, 19, 20, 22 and 27.

The application is believed to now be in condition for allowance, which is respectfully requested. Should the Examiner deem a telephone conference to be beneficial in expediting examination and/or allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully Submitted,


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